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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006\_0785A  
Yoshihito KAWAMURA et al. : Confirmation No. 7359  
Serial No. 10/579,971 : Group Art Unit 1793  
Filed May 23, 2006 : Examiner Sikyin Ip  
HIGH STRENGTH AND HIGH : Mail Stop: AF  
TOUGHNESS MAGNESIUM ALLOY AND  
METHOD OF PRODUCING THE SAME

**RESPONSE AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE UNDER 37.CFR.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP-----1700**

Sir:

Responsive to the Office Action of September 2, 2009, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Initially, Applicants again respectfully request that all of the provisional obviousness-type double patenting rejections set forth on pages 2-4 of the Office Action be held in abeyance, pending an indication that the claims of the present application are otherwise in condition for allowance.

The rejection of claims 1, 3, 4, 6, 12-14, 19, 21, 22, 24, 31, 32 and 33 under 35 U.S.C. §103(a) as being unpatentable over Kawamura et al., as well as the rejection claims 8-11 and 26-30 under 35 U.S.C. §103(a) as being unpatentable over Kawamura et al. in view of JP '424 and the rejection of claim 38 under 35 U.S.C. §103(a) as being unpatentable over Kawamura et al. in view of Fisher, are respectfully traversed.

In the Response to Arguments section beginning on page 7 of the Office Action, the Examiner acknowledges Applicants' previous argument that Kawamura et al. fail to disclose the long period stacking ordered structure phase which is a requirement of the presently claimed